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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BRUCKART, BENJAMIN R	

ART UNIT	PAPER NUMBER
2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/753,086	HATALKAR, ATUL N.	
	Examiner	Art Unit	
	Benjamin R Bruckart	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 December 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Claims 1-25 are pending in this Office Action.

Change of Address

The change of address received on 12/16/02 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 6 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 and 12 recite the limitations "the first client identifier" and "the second client identifier" on page 17, claim 6 and page 19, claim 12. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,262,984 by Rochberger in view of U.S. Patent No. 6,192,401 by Modiri et al.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,262,984 by Rochberger in view of U.S. Patent No. 6,192,401 by Modiri et al. in further view of U.S. Patent No. 6,434,159 by Woodward et al.

Regarding claim 1,

The Rochberger reference teaches:

storing data indicative of membership in a first group at a client (Rochberger: col. 9, lines 8-10, Table 1);

updating the data indicative of membership in the first group at the client in response to receiving the group membership file (Rochberger: col. 3, lines 15-23); and

transmitting a group membership file including information indicative of client memberships in two or more groups at a system host (Rochberger: col. 2, lines 51-61).

The Rochberger reference does not explicitly disclose dynamically grouping clients.

The Modiri reference teaches a method for dynamically grouping clients in a system (Modiri: col. 1, lines 17-20), comprising:

transmitting a group membership file including information indicative of client memberships in two or more groups at a system host (Modiri: col. 7, lines 37-49).

The Modiri reference further teaches an optimized way to determine membership in a cluster after a reconfiguration of cluster membership (Modiri: col. 2, lines 11-16).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of storing, updating and transmitting membership data as taught by Rochberger while dynamically grouping clients as taught by Modiri in order to optimize the way to determine membership in a cluster after a reconfiguration of cluster membership (Modiri: col. 2, lines 11-16).

Claims 2-6 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Rochberger and Modiri et al.

Regarding claim 2, the method of claim 1, wherein the data indicative of membership in the first group comprises a first group identifier (Rochberger: col. 9, Peer Group ID).

Regarding claim 3, the method of claim 2, further comprising:

creating the first group including two or more member clients, a member client having a client identifier (Modiri: col. 7, lines 60-63);

assigning the first group identifier to the first group (Rochberger: col. 6, lines 25); and

associating the client identifiers of the member clients with the first group identifier in the group membership file (Rochberger: col. 9 Table; Node ID, Peer Group ID, Node Address).

Regarding claim 4, the method of claim 3, wherein the each member client satisfies a criterion (Modiri: col. 8, lines 13-15, lines 62- col. 9, line 3).

Regarding claim 5, the method of claim 4, wherein the criterion comprises client profile information (Modiri: col. 7, lines 22-36; Rochberger: col. 6, lines 6-10).

Regarding claim 6, the method of claim 1, further comprising:

transmitting a message including a payload and a second group identifier (Rochberger: 1, lines 44-57; headers are identifiers and the payload is the data as defined by ATM protocol);

receiving the message at the client (Rochberger: col. 2, lines 51-61); and

extracting the payload from the message in response to the first client identifier matching the second client identifier (Rochberger: col. 3, lines 5-15).

Regarding claim 7,

The Rochberger reference teaches

storing data indicative of membership in a first group at a client (Rochberger: col. 9, lines 8-10, Table 1);

transmiting a group membership file including information indicative of client memberships in two or more groups at a system host (Rochberger: col. 3, lines 15-23); and

update the data indicative of membership in the first group at the client in response to receiving the group membership file (Rochberger: col. 3, lines 15-23).

The Rochberger reference does not explicitly disclose dynamically grouping clients.

The Modiri reference teaches an article comprising:

a machine-readable medium which stores machine executable instructions (Modiri: col. 7, lines 20-27), the instructions causing a machine to:

transmiting a group membership file including information indicative of client memberships in two or more groups at a system host (Modiri: col. 7, lines 37-49; Rochberger: col. 3, lines 15-23).

The Modiri reference further teaches an optimized way to determine membership in a cluster after a reconfiguration of cluster membership (Modiri: col. 2, lines 11-16).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of storing, updating and transmitting membership data as taught by Rochberger while dynamically grouping clients as taught by Modiri in order to optimize the way to determine membership in a cluster after a reconfiguration of cluster membership (Modiri: col. 2, lines 11-16).

Claims 8-12 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Rochberger and Modiri et al.

Regarding claim 8, the article of claim 7, wherein the data indicative of membership in the first group comprises a first group identifier (Rochberger: col. 9, Peer Group ID).

Regarding claim 9, the article of claim 8, further comprising instructions causing the machine to:

create the first group including two or more member clients, a member client having a client identifier (Modiri: col. 7, lines 60-63);

assign the first group identifier to the first group (Rochberger: col. 6, lines 25); and

associate the client identifiers of the member clients with the first group identifier in the group membership file (Rochberger: col. 9 Table; Node ID, Peer Group ID, Node Address).

Regarding claim 10, the article of claim 9, wherein the criterion comprises client profile information (Modiri: col. 8, lines 13-15, lines 62- col. 9, line 3).

Regarding claim 11, the article of claim 10, wherein the criterion comprises client profile information (Modiri: col. 7, lines 22-36; Rochberger: col. 6, lines 6-10).

Regarding claim 12, the article of claim 7, further comprising instructions causing the machine to:

transmit a message including a payload and a second group identifier (Rochberger: 1, lines 44-57; headers are identifiers and the payload is the data as defined by ATM protocol);

receive the message at the client (Rochberger: col. 2, lines 51-61); and

extract the payload from the message in response to the first client identifier matching the second client identifier (Rochberger: col. 3, lines 5-15).

Regarding claim 13,

The Rochberger reference teaches an apparatus comprising:

a memory operative to store an apparatus identifier (Rochberger: col. 9, lines 8-10, Table 1);

said file including a group identifier and two or more associated member identifiers (Rochberger: col. 3, lines 15-23); and

a receiver controller operative to store the group identifier in the memory in response to said apparatus identifier matching one of said member identifiers (Rochberger: col. 3, lines 5-30).

The Rochberger reference does not explicitly disclose a receiver to the physical connection (col. 1, line 32).

The Modiri reference teaches a receiver operative to receive a group membership file in a first transmission (Modiri: col. 11, lines 62-65; col. 7, lines 45-49)

The Modiri reference further teaches an optimized way to determine membership in a cluster after a reconfiguration of cluster membership (Modiri: col. 2, lines 11-16).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus of storing, updating and transmitting membership data as taught by Rochberger while employing a network interface as taught by Modiri in order to optimize the way to determine membership in a cluster after a reconfiguration of cluster membership (Modiri: col. 2, lines 11-16).

Claims 14-17 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Rochberger and Modiri et al.

Regarding claim 14, the apparatus of claim 13, wherein the group membership file comprises two or more group identifiers, a group identifier associated with two or more member identifiers (Rochberger: col. 9, lines 8-10, Table 1).

Regarding claim 15, the apparatus of claim 13, wherein the receiver controller is operative to identify each group identifier associated with a member identifier that matches the apparatus identifier, and to update the memory to include such identified group identifiers (Rochberger: col. 3, lines 15-30; col. 6, lines 25-30).

Regarding claim 16, the apparatus of claim 15, wherein said updating comprises removing a stored group identifier in response to said group identifier not being associated with the apparatus identifier in the group membership file (Rochberger: col. 3, lines 15-30, lines 48-53).

Regarding claim 17, the apparatus of claim 13, wherein the receiver is operative to receive a message including an identifier and a payload portion (Rochberger: 1, lines 44-57; headers are identifiers and the payload is the data as defined by ATM protocol), and

wherein the receiver controller is operative to compare said identifier to the apparatus identifier and the stored group identifier (Rochberger: col. 3, lines 3-15) and discard said message in response to said identifier not matching one of said apparatus identifier and said group identifier (the message is ignored when the identifier is not matched).

Regarding claim 18, a system host comprising:

The Rochberger reference teaches a memory for storing a group membership file including two or more group identifiers (Rochberger: col. 9, lines 8-10; database), a group identifier associated with two or more member identifiers (Rochberger: col. 9, lines 8-10; Table 3; Peer Group ID, Node ID, Node Address);

associating a group identifier with the two or more first group membership identifiers in the group membership file (Rochberger: col. 9); and

a transmitter operative to transmit the group member file to a plurality of client devices, two or more of said client devices having client identifiers that match the first group member identifiers (Rochberger: col. 3, lines 4-30).

The Rochberger reference does not explicitly disclose creating a first group.

The Modiri reference teaches a creating a first group including two or more first group member identifiers that share a first criterion (Modiri: col. 7, lines 60-63; col. 8, lines 13-15, lines 62- col. 9, line 3).

The Modiri reference further teaches an optimized way to determine membership in a cluster after a reconfiguration of cluster membership (Modiri: col. 2, lines 11-16).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus of storing, updating and transmitting membership data as taught by Rochberger while creating groups that share criterion as taught by Modiri in order to optimize the way to determine membership in a cluster after a reconfiguration of cluster membership (Modiri: col. 2, lines 11-16).

Claims 19-20 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Rochberger and Modiri et al.

Regarding claim 19, the system host of claim 18, further comprising: a transmission controller operative to transmit the group membership file to said plurality of client devices at scheduled intervals (Modiri: col. 7, lines 37-49; Rochberger: col. 2, lines 50-61).

Regarding claim 20, the system host of claim 19, wherein the group generator is operative to update the group membership file and transmit the updated group membership file to the plurality of client devices (Rochberger: col. 3, lines 15-30).

Regarding claim 21,

The Rochberger reference teaches a system comprising:

a system host (Rochberger: col. 3, lines 15; node) comprising:

a memory for storing a group membership file including two or more group identifiers (Rochberger: col. 9, lines 8-10; database), each group identifier associated with two or more member identifiers (Rochberger: col. 9, Table 3);

associating a first group identifier with the two or more first group membership identifiers in the group membership file (Rochberger: col. 9, Tables 1-4); and

a transmitter operative to transmit the group member file (Rochberger: col. 2, lines 51-61; Modiri: col. 7, lines 45-49); and a plurality of clients, a client comprising:

a memory operative to store an apparatus identifier (Rochberger: col. 9, lines 8-10; col. 3, lines 15-30); a receiver operative to receive the group membership file in a first transmission; and

a receiver controller operative to store a group identifier in the memory in response to said apparatus identifier matching one of said member identifiers (Rochberger: col. 3, lines 5-15).

The Rochberger reference does not explicitly disclose dynamically creating the groups.

The Modiri reference teaches creating a first group including two or more first group member identifiers that share a first criterion (Modiri: col. 7, lines 22-36, lines 60-63).

The Modiri reference further teaches an optimized way to determine membership in a cluster after a reconfiguration of cluster membership (Modiri: col. 2, lines 11-16).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system for storing group membership information with identifiers as taught by Rochberger while creating groups that share criterion as taught by Modiri in order to

optimize the way to determine membership in a cluster after a reconfiguration of cluster membership (Modiri: col. 2, lines 11-16).

Claims 22 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Rochberger and Modiri et al.

Regarding claim 22, the system of claim 21, wherein said communication link comprises a transmission line (Rochberger: col. 2, lines 50, 51; Modiri: col. 2, lines 22-24).

Regarding claim 23,

The Rochberger and Modiri references teach the system of claim 21, wherein said data is communicated along a communication link.

The Rochberger and Modiri references do not explicitly disclose wireless communication.

The Woodward reference teaches a wireless communication network with wireless connection links (Woodward: col. 20, lines 1-19).

The Woodward reference further teaches the wireless network overcomes the offensive impediments of wired interconnected networks for portable devices (Woodward: col. 2, lines 33-43).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system for storing group membership information with identifiers while creating groups that share criterion as taught by Rochberger and Modiri while using a wireless communication link as taught by Woodward in order increase portable device connectivity (Woodward: col. 2, lines 33-43).

Claims 23-25 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Rochberger, Modiri et al, and Woodward et al.

Regarding claim 24, the system of claim 21, wherein said client devices comprise set-top appliances adapted for connection to a television (Woodward: col. 5, lines 24-45; Woodward: col. 20, lines 1-19).

Regarding claim 25, the system of claim 21, wherein said client devices comprise hand-held wireless communication devices (Woodward: col. 5, lines 24-45; Woodward: col. 20, lines 1-19).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Publication No. 2002/0043693 by Kampe et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0324.

Benjamin R Bruckart
Examiner
Art Unit 2155
brb
April 20, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER